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Matters related to the implementation of the Convention: round table discussions

Women and girls with disabilities

Note by the Secretariat

The present note was prepared by the Secretariat in consultation with United Nations entities, representatives of civil society and other relevant stakeholders to facilitate the round-table discussion on the theme "Women and girls with disabilities". The Secretariat hereby transmits the note, as approved by the Bureau of the Conference, to the Conference of States Parties to the Convention on the Rights of Persons with Disabilities at its eleventh session.

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Overview[1]

1. Persistent cultural, social, legal, physical and institutional barriers pose restrictions to the full inclusion of women and girls with disabilities in society in all areas of private and public life, including education; employment; health care; cultural, recreational, sporting and leisure activities; and political participation. Their right to have a family is often denied. They face huge barriers to personal mobility owing to lack of accessibility. Poor access to justice limits their access to communications and compounds their isolation and exclusion. Disaggregation of data by disability, sex and age is fundamental for understanding the situation of women and girls with disabilities and informing policies to ensure their effective inclusion and the full realization of their human rights. Such data remains limited, however.

2. Girls with disabilities face inequality in accessing education. Available data show that only 41.7 per cent of women and girls with disabilities complete primary school, compared with 50.6 per cent of men and boys with disabilities and 52.9 per cent of other women and girls.[2] Similarly, there is significant inequality in employment between women with disabilities and both men with disabilities and other women. Women with disabilities have a 19.6 per cent employment rate, compared with 52.8 per cent for men with disabilities and 29.9 per cent for other women.[3] Women, including those with disabilities, are more likely to engage in domestic activities and be informal caregivers for children and family members.[4,5] Women with psychosocial disabilities are excluded from employment, as well as from social security schemes and national work policies, putting them at higher risk of poverty and social dependence.[6]

3. For women and girls with disabilities, low rates of access to, and the lack of opportunities to access, education and technical and vocational guidance programmes result in a lack of skills and professional qualifications. In addition, stigmatization of and discrimination against women with disabilities as incapable of performing work tasks, inaccessible work environments[7] and the lack of effective anti-discrimination laws that include the denial of reasonable accommodation as a form of discrimination[8] in the workplace are frequent restrictions to their participation in employment. As a consequence, women and girls with disabilities have little or no chance in the competitive open job market to be employed in safe conditions and to be promoted in general career opportunities.[9]

4. Women and girls with disabilities, particularly women and girls with intellectual and multiple disabilities, are persistently denied access to sexual and reproductive

[1] The present document should be read in conjunction with the report of the Secretary-General on the situation of women and girls with disabilities and the status of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto (A/72/227).

[2] World Health Organization (WHO) and World Bank (2011), *World Report on Disability* (Geneva, WHO, 2011), table 7.1.

[3] Ibid., table 8.2.

[4] Fiona Carmichael and Susan Charles, "The opportunity costs of informal care: does gender matter?", *Journal of Health Economics*, vol. 22, No. 5 (September 2003).

[5] United Nations Entity for Gender Equality and the Empowerment of Women, *Progress of the World's Women 2015-2016: Transforming Economies, Realizing Rights* (2015), p. 171. Available from http://progress.unwomen.org/en/2015/pdf/UNW_progressreport.pdf.

[6] EQUALS, "We can work" photo campaign. Available from https://wecanwork.tumblr.com. (Accessed on 25 February 2018).

[7] CRPD/C/SRB/CO/1, para. 11.

[8] CRPD/C/COL/CO/1, paras. 14–15.

[9] CRPD/C/CAN/CO/1, para. 47; and CRPD/C/GBR/CO/1, para. 56.

health and rights, and to information on comprehensive sexuality education.[10] Systematic discrimination against them, including the denial of reasonable accommodation, continues to lead to violation of their sexual and reproductive rights through practices such as forced sterilization, forced abortion, forced contraception and growth attenuation.[11]

5. Women and girls with disabilities experience multiple and intersecting forms of gender- and disability-based violence, including forced medical and psychiatric interventions, at disproportionately higher rates than others, and in unique forms owing to discrimination and stigmatization.[12] It is estimated that women with disabilities are 1.5 to 10 times more likely to be physically or sexually abused by a family member or caregiver than other women.[13] Likewise, available research shows that indigenous women face intersecting forms of discrimination owing to their gender, indigenous identity and disability, and are often disproportionately victims of sexual violence.[14] The threat of violence is particularly high for women and girls with disabilities in conflict areas.[15] Women with disabilities who are forcibly placed under institutional or residential care and in psychiatric facilities face severe forms of deprivation of their liberty, violence[16] and cruel, inhuman and/or degrading treatment.

6. Women and girls with disabilities are often excluded from national laws and policies and remain marginal to global discussions and agreements relevant to their empowerment. The global women's agenda seldom takes into consideration the issues and concerns of women and girls with disabilities.[17] In addition, women with disabilities are also neglected within the disability movement and the mainstream women's movement. Stand-alone policies on women and girls with disabilities remain limited; they are often excluded in policymaking and decision-making processes,[18] including those addressing gender equality and/or inclusion.

7. International human rights and development agencies should make sure that women and girls with disabilities are included in all gender and inclusion policies and

[10] Carolyn Frohmader and Stephanie Ortoleva, "The sexual and reproductive rights of women and girls with disabilities", briefing paper for the International Conference on Population and Development beyond 2014 (2013), sect. 3.

[11] A/72/133, para. 3.

[12] United Nations Population Fund, *Addressing Violence against Women and Girls in Sexual and Reproductive Services: A Review of Knowledge Assets* (2010). Available from https://www.unfpa.org/sites/default/files/pub-pdf/addressing_violence.pdf.

[13] Human Rights Watch, "Human Rights for Women and Children with Disabilities" (2010). Available from https://www.hrw.org/sites/default/files/related_material/0912_disabilities_brochure_0.pdf.

[14] Inter-Agency Support Group on Indigenous Peoples' Issues, "Rights of indigenous peoples/persons with disabilities" (June 2014), thematic paper towards the preparation of the 2014 World Conference on Indigenous Peoples. Available from http://www.un.org/en/ga/president/68/pdf/wcip/IASG%20Thematic%20Paper_Disabilities.pdf.

[15] Women's Refugee Commission, *"I See That It Is Possible": Building Capacity for Disability Inclusion in Gender-Based Violence Programming in Humanitarian Settings* (May 2015), executive summary. Available from https://www.womensrefugeecommission.org/disabilities/resources/945-building-capacity-for-disability-inclusion-in-gender-based-violence-gbv-programming-in-humanitarian-settings-overview.

[16] Human Rights Watch, "'Treated worse than animals': abuses against women with psychosocial or intellectual disabilities in institutions in India" (2014), available from https://www.hrw.org/report/2014/12/03/treated-worse-animals/abuses-against-women-and-girls-psychosocial-or-intellectual.

[17] Committee on the Rights of Persons With Disabilities, general comment No. 3 (2016) on women and girls with disabilities, para. 3.

[18] See, for instance, the alternative report from disabled persons' organizations and civil society of Haiti to the Committee (February 2018), paras. 14 and 23.

programmes. National Governments should include the rights of persons with disabilities in their development plans.

Relevant international frameworks

8. Since the 1980s, the international human rights and development frameworks have increasingly paid specific attention to women and girls with disabilities. The priorities of women with disabilities were addressed explicitly by the World Programme of Action concerning Disabled Persons, adopted in 1982, which recognized women with disabilities as a "special group" and identified the specific barriers they face in accessing health care, education and employment.[19] The Beijing Declaration and Platform for Action, adopted in 1995, also called for intensifying efforts to ensure equal enjoyment of all human rights and fundamental freedoms for all women and girls, including women and girls with disabilities, who face multiple barriers to their empowerment and advancement.[20] The Convention on the Elimination of All Forms of Discrimination against Women (1979) condemns discrimination based on any distinction, exclusion or restriction made on the basis of sex The Committee on the Elimination of Discrimination against Women asked State parties to provide information on women with disabilities in their periodic reports from 1991 onwards.[21] The Committee also referenced the priorities of and barriers facing women and girls with disabilities in recent concluding observations and general comments.[22] The Convention on the Rights of the Child (1989) further underscored the importance of ensuring the rights of children with disabilities, including girls with disabilities, in accessing education, training, health-care services, rehabilitation services, preparation for employment and recreational opportunities (art. 23).

9. The Convention on the Rights of Persons with Disabilities (2006) recognizes the multiple forms of discrimination faced by women and girls with disabilities, calling for States parties to take measures to ensure the full and equal enjoyment by them of all human rights and fundamental freedoms (art. 6). It also holds equality between men and women as one of its fundamental principles that cuts across all articles of the Convention (art. 3). The Convention also includes crucial elements upholding the rights of women and girls with disabilities, such as their protection against exploitation, violence and abuse (art. 16), personal integrity (art. 17), their right to choose with whom and where to live (art. 19), respect for the family (art. 23), access to education (art. 24), access to health, including sexual and reproductive health (art. 25), and work and employment (art. 27). Article 28 calls upon States parties to ensure access to social protection programmes and poverty reduction schemes, particularly for women and girls with disabilities. Furthermore, the Committee's general comment No. 3 (2016) on women and girls with disabilities outlines the normative content of article 6 and the obligations of States parties, analyses the relationship between article 6 and other articles of the Convention, and provides guidance on national implementation.

10. In the context of the eleventh Conference of States parties to the Convention on the Rights of Persons with Disabilities, elections for 9 of the 18 experts of the

[19] General Assembly resolution 37/52.

[20] Beijing Declaration and Platform for Action, para. 32.

[21] Committee on the Elimination of Discrimination against Women, general recommendation No. 18 (1991) on disabled women.

[22] Committee on the Elimination of Discrimination against Women, general recommendation No. 35 (2017) on gender-based violence against women, updating general recommendation No. 19; general recommendation No. 30 (2013) on women in conflict prevention, conflict and post-conflict situations; and concluding observations on the combined seventh and eighth periodic reports of Nigeria (CEDAW/C/NGA/CO/7-8).

Committee have gained increased attention, as the States parties shall face the responsibility of restoring gender balance in the treaty body. The Committee expressed its "concern about the absence of gender parity" and called on States parties "to be mindful of the need to promote the geographical balance and the inclusion of women with disabilities in future elections of the Committee to secure equal geographical representation and restore gender balance, and more widely to promote their inclusion in other treaty bodies and international and regional mechanisms", in line with General Assembly resolution 68/268, all human rights instruments and Goal 5 of the Sustainable Development Goals.[23]

11. The 2030 Agenda for Sustainable Development explicitly recognizes gender equality and disability as cross-cutting issues. In addition to a stand-alone goal to achieve gender equality and empower all women and girls (Sustainable Development Goal 5), the 2030 Agenda requires the systematic mainstreaming of a gender perspective in its implementation. While disability is not addressed in a stand-alone goal, it is specifically included in the Goals related to education, growth and employment, inequality, accessibility of human settlements, and data, monitoring and accountability.

12. The international community has also addressed the urgency of inclusion of women and girls with disabilities in humanitarian action. The World Humanitarian Summit held in 2016 included the achievement of gender equality, the empowerment of women and girls, and the inclusion of persons with disabilities in humanitarian action. The Charter on Inclusion of Persons with Disabilities in Humanitarian Action (2016) made specific reference to women and girls with disabilities and called for their empowerment and protection from physical, sexual and other forms of violence in the context of humanitarian emergencies. The Sendai Framework for Disaster Risk Reduction 2015–2030 emphasizes the importance of disability-inclusive disaster risk reduction, calling for empowering women and persons with disabilities to publicly lead and promote gender-equitable and universally accessible response, recovery, rehabilitation and reconstruction approaches.

13. In its resolution 72/162, on the implementation of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto: situation of women and girls with disabilities, which focuses on the challenges faced by women and girls with disabilities with regard to their inclusion, the General Assembly called on Member States to take action to eliminate multiple and intersecting forms of discrimination and all forms of violence, to support women and girls with disabilities in exercising their legal capacity, to promote their empowerment and leadership, and to ensure their equal access to education, employment and health-care services, including for sexual and reproductive health. In that resolution, the Assembly also called for collecting and analysing data disaggregated by, inter alia, sex, age and disability and other characteristics relevant to national contexts by using the Washington Group short set of questions on disability[24] to guide policy planning and improve data collection systems for adequate monitoring and evaluation frameworks

[23] Statement of the Committee on the Rights of Persons with Disabilities on achieving gender balance and equitable geographical representation in the elections of members of the Committee, adopted during the Committee's seventeenth session, held from 20 March to 12 April 2017.

[24] Article 31 of the Convention establishes a clear duty for States parties to "undertake to collect appropriate information, including statistical and research data, to enable them to formulate and implement policies to give effect" to the Convention. Since 2017, the Committee has been systematic in requesting the use of the Washington Group short set of questions on disability, which is a tool that enjoys international consensus and has been and is being used in around 80 countries. See E/CN.3/2018/17, para. 49, and the summary of annual activities related to disability statistics, available from http://www.washingtongroup-disability.com/wp-content/uploads/2017/11/WG17_Session_10_1_Golden.pdf.

on the implementation of the Convention and the Sustainable Development Goals in relation to women and girls with disabilities.

The way forward: inclusion of women and girls with disabilities for the full implementation of the Convention and the 2030 Agenda

14. The rights of women and girls with disabilities have been given heightened attention and the concept of inclusive development has been strengthened with the adoption of the 2030 Agenda and its commitment to leave no one behind. The international community recognizes that reducing inequality experienced by women and girls with disabilities is a priority and that mainstreaming the human rights of persons with disabilities should be an integral part of sustainable development strategies.

15. While many initiatives have been taken to promote the rights of women and girls with disabilities, policies and legislation focused specifically on women and girls with disabilities are limited. There is a need to translate the global policy into the national context by strengthening the legal and policy frameworks for women and girls with disabilities. It is crucial to significantly reduce inequalities that women and girls with disabilities face in society, including in all areas of private and public life, focusing on the following priority areas:

(a) Prohibit all forms of discrimination, including the denial of reasonable accommodation, against women and girls with disabilities based on, inter alia, age, type of impairment, ethnic, indigenous, national or social origin, gender identity, political or other opinion, race, refugee, migrant or asylum status, religion, sex or sexual orientation, and guarantee them equal and effective legal protection;

(b) Prevent and eliminate all forms of violence, exploitation and abuse against women and girls with disabilities, including sexual and domestic violence, by ensuring appropriate forms of gender- and age-sensitive assistance and support for women and girls with disabilities; and ensure that instances of violence against women and girls with disabilities are identified, investigated and prosecuted, by adopting effective laws and policies;[25]

(c) Protect women and girls with disabilities from any practices that may amount to torture or cruel, inhuman or degrading treatment, such as forced medical or psychiatric interventions,[26] through adequate laws and policies and through the establishment of independent monitoring mechanisms;

(d) Adopt appropriate laws, policies and practices to ensure that the rights of women and girls with disabilities are included in all policies, especially in policies related to women in general, as well as in policies relating to persons with disabilities;[27]

(e) Promote disability- and gender-inclusive development and humanitarian action;

(f) Support and promote the creation of organizations and networks of women and girls with disabilities and encourage women with disabilities to take leadership roles in public decision-making bodies at all levels;

(g) Empower women and girls with disabilities and enhance their participation and leadership in society by addressing all barriers, including in education, health-care services and employment, that prevent or restrict their participation and by

[25] Convention on the Rights of Persons with Disabilities, art. 16.

[26] A/HRC/35/21.

[27] Committee on the Rights of Persons With Disabilities, general comment No. 3.

ensuring that women and girls with disabilities and their representative organizations are included in the design, implementation and monitoring of all programmes that have an impact on their lives;[28]

(h) Include women with disabilities in all branches and bodies of the national monitoring system;[29]

(i) Collect and analyse data disaggregated by sex, age, disability and other characteristics relevant to national contexts using the Washington Group short set of questions on disability;[30]

Questions for consideration

(a) How can Committee on the Rights of Persons with Disabilities general comment No. 3, the Convention on the Elimination of All Forms of Discrimination against Women, the Convention on the Rights of the Child, General Assembly resolution 72/162, the Sustainable Development Goals, and other relevant international frameworks be leveraged to support the implementation of article 6 of the Convention on the Rights of Persons with Disabilities?

(b) What are good examples of laws and policies to protect the rights of women and girls with disabilities and good practices in reducing inequalities that could be replicated in other countries, including in the priority areas stated above?

(c) What role do local stakeholders play in the development of disability-inclusive humanitarian action and disaster risk reduction, and how can their expertise support capacity-building for organizations of women and girls with disabilities in crisis-affected areas?

(d) What strategies should be put in place in order for global women's rights movements and agendas to mainstream the rights of women and girls with disabilities and to foster their participation?

(e) How can Governments, United Nations agencies, civil society organizations and other stakeholders contribute to the ongoing efforts at the global, regional and national levels to improve monitoring and evaluation of the implementation of the Convention and the 2030 Agenda to ensure that no woman or girl with disabilities is left behind?

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[28] Ibid.

[29] Ibid.

[30] For requests by the Committee for its use, see CRPD/C/LVA/CO/1, para. 53; CRPD/C/LUX/CO/1, para. 55 (b); CRPD/C/MNE/CO/1, para. 57; CRPD/C/MAR/CO/1, para. 59; CRPD/C/PAN/CO/1, para. 61; CRPD/C/GBR/CO/1, para. 65; CRPD/C/IRN/CO/1, para. 59; and CRPD/C/JOR/CO/1, para. 60.